

## PLANNING COMMISSION MINUTES

Gardner, Kansas  
Monday, May 14, 2007

The Planning Commission met in regular session on the above date at the Gardner City Hall, 120 E. Main Street, Gardner, Kansas.

### I. Call to Order

Chairman Stephen Koranda called the meeting to order at 7:07 p.m. Commissioners present: Paul Kilgore, Eileen Mertz, and Eric Schultz. Commissioners absent: Greg Godwin, Jason Burnett, and Dan Popp. Also present: Community Development Director Fred Sherman; engineer Matthew Murphy of Landplan Engineering, P.A.; and four interested citizens.

### II. Approval of Minutes

Motion Mertz, second Schultz, to approve the minutes of the April 30, 2007, meeting, with one correction.

Motion to Approve Carried: 4 to 0 Aye (Godwin, Burnett, Popp: Absent)

### III. Consent Items

Chairman Koranda requested that Item No. 5, SP-07-06, be removed from the Consent Agenda.

#### 1. FP-05-18

**Consider a Final Plat for Lawrence's Addition No. 2, a 1.76 acre commercial property located at 619 and 625 E. Main Street. The application is filed by K & N Pizza Huts, Inc.; with engineering services provided by Landplan Engineering, P.A.**

1. **APPLICANT:** The applicant is K&N Pizza Huts, Inc., and CAC Real Estate, L.L.P., the property owner of record; with engineering services provided by Landplan Engineering, P.A.
2. **REQUESTED ACTION:** The applicant requests final plat approval for a two lot commercial development.
3. **LOCATION:** The 1.76 acre property is located at 619 & 625 E. Main Street.
4. **EXISTING ZONING:** This property is currently zoned C-2, General Business District, (western portion) and M-2, General Industry District (eastern portion). A rezoning request (Z-07-04) to rezone all of the subject property to the C-2 zoning district is scheduled for public hearing and consideration before the May 29, 2007, Planning Commission meeting.
5. **ANALYSIS:** The applicant requests approval of Lawrence's Addition No. 2, consisting of a replat of Lawrence's Addition (the former Empire Plastics property) and the current unplatted Pizza Hut parcel. This final plat is to allow remodeling of the existing Pizza Hut building and to create an adjacent commercial pad site. The existing Pizza Hut property will be expanded to include a portion of the former Empire Plastics property into the proposed Lot 2. The configuration of all lots, easements, and rights-of-way correspond with the submitted Gardner Pizza Hut site plan (SP-07-05), also before the Planning Commission for consideration at the May 11, 2007, meeting. The subject plat was originally considered by the Planning Commission at the July 25, 2005, meeting, based on a submitted site plan to construct a new Pizza Hut building (SP-05-12). The sizes of the proposed lots have been modified slightly from the 2005 approved plat, which was never recorded.
6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approve the Final Plat for Lawrence's Addition No. 2 (FP-05-18), and forward the item to the City Council with a recommendation to accept the easements and rights-of-way, with the following stipulations:
  - a. Access to U.S. 56 Highway may be limited to right-turn-only movements in the future when the highway is improved or at such time as the City and/or KDOT determine that restricting turning movements is needed to alleviate safety or operational problems.
  - b. Prior to recording of the final plat, the required excise tax shall be paid.

#### 2. SP-07-05

**Consider a Site Plan for Gardner Pizza Hut, a 350 sq.ft. addition to an existing commercial building located at 619 E. Main Street. The application is filed by K &**

**N Pizza Huts, Inc.; with engineering services provided by Landplan Engineering, P.A.**

1. **APPLICANT:** The applicant is K&N Pizza Huts, Inc., the property owner of record.
2. **REQUESTED ACTION:** The applicant requests site plan approval for a commercial development.
3. **LOCATION:** The 0.808 acre property is located at 619 E. Main Street.
4. **EXISTING ZONING:** Most of this property is currently zoned C-2, General Business District. A rezoning request (Z-07-04) to rezone all of the subject property and the adjacent property to the east to the C-2 zoning district is scheduled for public hearing and consideration before the May 29, 2007, Planning Commission meeting.
5. **ANALYSIS:** The applicant requests site plan approval for a remodeled Pizza Hut / Wing Street restaurant. The site plan shows the remodeling of the existing building. A previous site plan (SP-05-12) was approved in July of 2005 to construct a new Pizza Hut building immediately east of the existing restaurant. Approval of this submitted site plan will supersede that previous site plan approval.

**Old vs. New**

This revamped Pizza Hut proposes to both improve the site (including parking areas, architecture, and new landscaping areas), and to update the restaurant menu offerings.

The exterior of the building will be modified and "refreshed" with a mixture of new and existing exterior building materials, including new and expanded non-painted face brick on the west and north (front) elevations, with the entire building painted in a color scheme similar to the existing building. The existing green tented shutters around the windows will be removed, and the proposed building will be covered predominantly with beige-colored EIFS, and feature a red standing seam metal roof. Although the traditional and distinctive Pizza Hut cupola roof element will remain, a new squared-off "hood" roof element is proposed to be added to the building. The plan proposes a small 350 sq. ft. addition to the back of the existing building footprint, replacing most of the various storage and cooler additions that have been constructed over time.

**Adjacent Lot Considerations**

This site features the removal of the existing two drive entrances to the Pizza Hut site off Main Street and the construction of a new joint access drive, centered on the Cedar Street and Main Street intersection, between the Pizza Hut site and the commercial property to the east.

6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approve the Site Plan for Pizza Hut (SP-05-12), with the following stipulations:
  - a. The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Building Elevations) which are filed in the office of the Planning Commission Secretary and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
  - b. KDOT approval shall be obtained for reconstruction of all access points to U.S. 56 Highway.
  - c. Access to U.S. 56 Highway from this property may be limited to right-turn-only movements in the future if the highway is improved or at such time as the City and/or KDOT determine that restricting turning movements is needed to alleviate safety or operational problems.
  - d. Prior to the issuance of a Certificate of Occupancy, all rooftop and ground mounted mechanical equipment shall be screened from view from adjacent right-of-way with an architectural and/or landscape treatment that is compatible with the building architecture.

**3. FP-06-12**

**Consider a Final Plat for St. Johns Highlands II, a 65 acre single family residential development located ¼ mile northwest of the Waverly Road and 175<sup>th</sup> Street intersection. The application is filed by St. Johns Highlands, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.**

1. **APPLICANT:** The applicant is St. Johns Highlands, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests final plat approval for an 18.12 acre tract of land for a 65 lot single family residential subdivision development.
3. **LOCATION:** The property is located ¼ mile north of the 175<sup>th</sup> Street at the Kill Creek Road alignment.
4. **EXISTING ZONING:** This property is currently zoned R-1, Single Family Residential District (Z-03-24).
5. **ANALYSIS:** The applicant requests approval of a final plat for St. Johns Highlands II. The 65 new single family lots will continue the residential development pattern from the St. Johns Highlands subdivision to the west. This is the second phase of development for the 79.7 acre piece of land zoned R-1 as part of the Prairiebrooke rezonings. All streets and lots shown on this final plat conform to the minimum design standards of the subdivision regulations.

**Change from the Preliminary Plat**

The original preliminary plat for this property (PP-03-09, Preliminary Plat for Prairiebrooke) featured a cul-de-sac of lots immediately east of the 171<sup>st</sup> Street and 172<sup>nd</sup> Street intersection. Upon completion of a more detailed flood plain assessment, this cul-de-sac has been removed and replaced with a single row of lots along the east side of 172<sup>nd</sup> Street.

**May of 2007 Flood Plain Revisions – Rule Exception Lots 129, 130 and 131**

This final plat was originally approved by the Planning Commission at the July 24, 2006, meeting, and the easements and rights-of-way were accepted by the City Council at the August 7, 2006, meeting. This final plat has been resubmitted for consideration and approval because of modifications to several lots. Due to the Kill Creek

Drainage Stormwater Study and floodplain modeling analysis, much of the land area to the southeast of proposed lots 129 thru 142 is within the 100-year flood plain. Lots 129, 130, and 131 have been reduced in design and overall lot depth to account for the 100-year flood plain.

Section 17-208.2 of the city's Subdivision Regulations states:

*The number of lots facing on collector streets shall be kept to a minimum in each subdivision. The street pattern shall be so designed that the side lines of lots abut collector streets wherever land shapes and topography permit. Residential lots shall not face on major or minor arterial, thoroughfares. **Residential lots shall have a depth of not less than one hundred fifteen (115) feet.***

This revised final plat addresses the flood plain issues and proposed lots 129, 130, and 131 are now less than 115 feet in total lot depth, which requires the granting of a rule exception to the Subdivision Regulations. These lots meet the minimum standards of the R-1 Zoning District, which only address lot width (70 feet) and total area (8,000 sq. ft.).

Section 17-501, Rule Exceptions - of the City's Subdivision Regulations states:

*WHEN MADE. The standards and procedures required herein shall be interpreted and applied literally in the case of all subdivision plats submitted after May 21, 1990. In case, however, of hardship caused by size, location or configuration of land, topography or other factors which affect a specific tract or subdivision or portion thereof, the subdivider may request a rule exception from one or more of the requirements contained herein. A rule exception may be requested on forms provided, at the time of filing the preliminary or final plat. A rule exception must be approved by the Planning Commission and the Governing Body, provided that, in its judgement, such action will not violate the public interest, unnecessarily burden the City of Gardner, or will annul the intent and purpose of these regulations*

6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission grant the Rule Exception from 17-208.2 for lots 129, 130, and 131, and forward the Final Plat for St. Johns Highlands II (FP-06-12) to the City Council with a recommendation to accept the easements and rights-of-way, subject to the following conditions:
  - a. Prior to recording of the final plat, staff approval of the subdivision improvement plans for this subject property may require additional detailed engineering information regarding the proposed grading west of the subject plat, and assurance that the proposed lots will not fall within the 100-year flood plain based on the Kill Creek Drainage Basin Stormwater Study.
  - b. Prior to recording of the final plat, the required excise tax shall be paid.
  - c. There must be clear and explicit notification of the presence of low-flying aircraft included with the title of all homes and within the development's covenants. It must include the following statement:  
*All lots within St. Johns Highlands are subject to being over flown by low-flying aircraft. This could include flying over on final approach and departure.*

#### 4. SP-05-14

**Consider a revised Site Plan for Moonlight Apartments, Phases III & IV, a 12.87 acre multi-family residential development located at 400 S. Moonlight Road. The application is filed by Moonlight Apartments, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.**

1. **APPLICANT:** The applicant is Moonlight Apartments, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests site plan approval for the third and fourth phases of a multi-family residential development. This site plan was originally approved by the Planning Commission at the August 22, 2005, meeting. The site plan has been revised slightly from the 2005 version. Building #28 is now being proposed as linear shaped with ten (10) units of one-bedroom apartments. The 2005 version of this plan denoted building #28 as eight (8) units of two-bedroom apartments – an "X" shaped building.
3. **LOCATION:** The subject property is located at 400 S. Moonlight Road.
4. **EXISTING ZONING:** The property is currently zoned R-3, Garden Apartment District (Z-97-10).
5. **STAFF ANALYSIS:** The overall concept plan for the entire R-3 zoned property indicates that the project will be constructed in five phases, and will include a total of 360 new residential units in 41 buildings on 27.8 acres of land, plus the office/clubhouse and the swimming pool.

Separate site plan approvals are required for construction of each phase of development. The submitted site plan is for the third and fourth phases. This site plan adds 12.87 acres containing 20 buildings with 190 units to the previously approved plans for Phases 1 and 2, which contained 8.64 acres with 100 units. Also included in the third and fourth phases are 309 additional parking spaces. The total number of parking spaces exceeds current City standards.

The units will be constructed in the same manner as those approved with Phases 1 and 2, with vinyl siding exteriors and cultured stone, brick, or stucco veneer accent elements. The plan indicates that two styles of apartment buildings will be constructed.

##### **Phasing and Access**

Phase 3 of this development is platted (FP-05-19), and will be eligible for building permits upon approval of this site plan. For fire access, a temporary secondary means of access should be provided at all times during construction of the seven new apartment buildings in this phase.

Phase 4 will include the remainder of the proposed development shown on this site plan, including a permanent connection to Grand Street to the south. The extension of Grand Street along the southern portion of this property is

also required with this phase. The City of Gardner plans to have Grand Street, from Moonlight Road west to Cedar Street, constructed. This portion of Grand Street is currently under design review and should be placed for bids for construction later in 2007. Commencement and construction of Phase 4 is dependent upon submittal and approval of a final plat by the Planning Commission and City Council.

6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approve the Site Plan for Moonlight Apartments, Phases 3 & 4, for a multi-family residential development (SP-05-14), subject to the following conditions:
  - a. The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (elevations), which are filed in the office of the Planning Commission Secretary and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
  - b. The location and geometrics of all driveways and parking areas are subject to review and approval by the Community Development Department.
  - c. A second means of ingress/egress to provide fire access will be maintained at all times with the development of Phases 3 & 4. Permanent construction of an access off Grand Street shall be constructed with Phase 4.
  - d. The extension of Grand Street along the southern border of this property shall be completed with Phase 4.
  - e. Permits will not be issued for Phase 4 until a final plat for the Phase 4 land area has been approved by the governing body.

Consent Agenda Items No. 1, Final Plat for Lawrence's Addition No. 2 (FP-05-18); and No. 3, Final Plat for St. Johns Highlands II (FP-06-12); were forwarded to the City Council with recommendations for approval of the easements and rights-of-way, subject to staff recommendations, by unanimous consent.

Consent Agenda Items No. 2, Site Plan for Gardner Pizza Hut (SP-07-05); and No. 4, revised Site Plan for Moonlight Apartments, Phases III and IV (SP-05-14); were approved, subject to staff recommendations, by unanimous consent.

#### IV. Agenda Items

##### (5.) SP-07-06

**Consider a site plan for the Symphony Farms Pool & Cabana, a private recreational facility located at 16670 Kill Creek Road. The application is filed by Johnson County Landholdings, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.**

Director Sherman presented a brief staff report.

1. **APPLICANT:** The applicant is Johnson County Landholdings, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests approval of a site plan for construction of a private pool facility on 1.8 acres for the Symphony Farms subdivision.
3. **LOCATION:** The subject property is located at 16670 Kill Creek Road. The property is Lot 1, Symphony Farms III (FP-06-17).
4. **EXISTING ZONING:** The property is currently zoned R-1, Single Family Residential District. (Ord 2122; Z-04-08)
5. **STAFF ANALYSIS:** The site plan is for improvements to provide a private subdivision pool with on-site parking and a subdivision entry feature. The lot is located at the entrance to the Symphony Farms subdivision, immediately north of 167<sup>th</sup> Street. The site plan indicates that eight (8) off-street parking spaces will be provided for this private recreational facility. Bathrooms will be constructed next to the pump house structure, all connected by an overhead trellis. The site improvements also include an extensive landscaped subdivision entry feature at the southeast corner of the parcel. The existing barn to the northwest of the pool has already been mostly restored. Additional landscaping and trees will be added to all parts of the property. The plan meets or exceeds all City requirements for setbacks, building design, and landscaping.

##### **Future Phases**

The submitted site plan also denotes potential future phases of development. Consideration and approval of this site plan application is only for the initial development, Phase I. The City of Gardner currently owns the parcel of land on the north side of 167<sup>th</sup> Street, west of the proposed pool and south of the existing barn, as a site for a future Public Safety facility (to be platted as Lot 2, Symphony Farms III; FP-06-17). The future phase plan denotes a conceptual vehicular access pattern via the access drive for this private pool facility off Kill Creek Road as a means of access to the future Public Safety facility property.

6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approve the Site Plan for the Symphony Farms Pool & Cabana, a private recreational facility (SP-07-06), subject to the following condition:
  - a. The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Monument Elevations) which are filed in the office of the Planning Commission Secretary and which are

incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.

Chairman Koranda expressed his concerns regarding the close proximity of the future public safety facility, and the shared access drive. He requested clarification of the ingress and egress routes of the emergency vehicles that would utilize the public safety facility.

Director Sherman stated that, though the indicated public safety facility location was not a typical site for such a facility, the developer was willing to work out a sale agreement that suited the City's need for property in the northwest area to provide adequate service to that part of the City. He explained that public safety vehicles would only use the shared driveway to come into the facility, but all vehicles responding to emergency calls would utilize a direct access driveway to W. 167<sup>th</sup> Street that would be constructed with the future public safety facility.

Motion Kilgore, second Schultz, to approve the Site Plan for Symphony Farms Pool and Cabana (SP-07-06), located at 16670 Kill Creek Road, subject to staff recommendations.

Motion to Approve Carried: 4 to 0 Aye (Godwin, Burnett, Popp: Absent)

## **V. Election of Officers**

### **Elect Chairman and Vice-Chairman of Planning Commission for 2007-2008 term.**

Chairman Koranda tabled the election of officers to the May 29, 2007, meeting.

## **VI. Discussion Items**

### **1. APA Conference Update**

#### **Discuss the American Planning Association's national conference in April of 2007 attended by Planning Commissioners and City staff.**

Chairman Koranda, Director Sherman, and the commissioners discussed the April American Planning Association conference in Philadelphia, Penn., especially several workshops that were pertinent to Gardner's governing bodies, and process and procedures.

## **VII. Adjourn**

Motion Kilgore, second Mertz, to adjourn the meeting at 7:27 p.m.

Motion to Adjourn Carried: 4 to 0 Aye (Godwin, Burnett, Popp: Absent)

**PLEASE PRINT**

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